

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1651 of 1984

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

EAGLE SALES CORPORATION

Versus

STATE OF GUJARAT & OTHERS

Appearance:

MR JIVANLAL G SHAH for the Petitioner

MR MUKESH PATEL for the Respondents

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 31/08/96

ORAL JUDGEMENT

1. The petitioner, a registered partnership firm, filed this Special Civil Application before this court and prayed therein that the respondents no.1,2 and 3 may be directed to remove the name of the petitioner from the blacklist. The order under which the petitioner was blacklisted by the respondent has not been filed alongwith the original petition. The counsel for the respondents today produced the copy of the order dated

2nd March, 1984 under which the petitioner was blacklisted alongwith his two partners. It is the contention of the counsel for the petitioner that this order has been made without giving notice or opportunity of hearing to the petitioner or its partners. I do not find anything in the order wherefrom it can be said that before making this order, the petitioner was given notice or an opportunity of hearing.

2. It is not in dispute that before the person is blacklisted, to deal with the Government supply, the notice or an opportunity of hearing is required to be given to him for it. The counsel for the respondent contended that from the last two lines of first para of this order, it is clear that the explanation of the petitioner was called. The reference is also made to the document annexure 'B'. I have gone through the annexure 'B' and where from it is clear that the explanation was called for from the petitioner for non-supply of 95 dozens 5 cc syringes. Annexure 'B' nowhere gives out that the petitioner has been given a show-cause notice against the proposed action of the respondent to blacklist it.

3. Taking into consideration these facts, I am satisfied that the interest of justice will be met in case this writ petition is disposed of with the direction that the petitioner, if he so desires, may make a representation against the order of the Government dated 2-3-1984 giving out therein all of his defences against the action, blacklisting the petitioner. This representation should be made by the petitioner, if he so desires, within a period of two months from the date of receipt of certified copy of this order. On receipt of this order, it is expected of the respondent that the same may be decided within a period of three months next thereafter after giving the personal hearing to the petitioner. In case after giving of the post decisional therein, the respondent does not find any sufficient reason to recall the order dated 2-3-1984 then a reasoned order may be passed. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-